

CHILD PROTECTION ACCOUNTABILITY COMMISSION
APRIL 7, 2004
CARVEL STATE OFFICE BUILDING, 820 N. FRENCH STREET
8TH FLOOR CONFERENCE ROOM

MINUTES

Those in attendance:

Members of the Commission:

The Honorable Patricia Blevins
The Honorable M. Jane Brady
Tania M. Culley, Esq.,
Peter Feliceangeli, Esq.
Carlyse A. Giddins
John Humphrey
The Honorable Jennifer Mayo
Janice Mink
Mary Ball Morton (proxy for Cari DeSantis)
Julia Pearce
Jennifer Barber Ranji, Esq., Chair
Sergeant Renee Taschner
Diane Walsh, Esq. (proxy for Jane Brady)
Randy Wimberly (proxy for Susan Cycyk)
Linda Wolfe (proxy for Valerie Woodruff)

Statutory Role:

State Senate 16 Del. C. § 912 (a)(6)
Attorney General's Office 16 Del. C. § 912 (a)(3)
Executive Director
Attorney General's Office 16 Del. C. § 912 (a)(3)
Dir. of Div. of Family Servs. 16 Del. C. § 912 (a)(2)
Child Protection Comm. 16 Del. C. § 912 (a)(10)
Family Court 16 Del. C. § 912(a)(4)
Child Protection Comm. 16 Del. C. § 912 (a)(10)
Children's Department 16 Del. C. § 912(a)(1)
Child Placement Review Board 16 Del. C. § 912 (a)(7)
Child Protection Community 16 Del. C. § 912 (a)(10)
NCC Dept. of Public Safety 16 Del. C. § 912(a)(10)
Attorney General's Office 16 Del. C. § 912 (a)(3)
Dir. of Child Mental Health 16 Del. C. § 912(a)(9)
Dept. of Education 16 Del. C. § 912 (a)(8)

Guests:

Joe Bakker
Angela Fowler, Esq.
Marianne Kenville-Moore
Laura Miles
Donald Roberts, Esq.
Lynn Shreve
Sandra Winters

Candace Charkow
Trish Hearn
Mary Catherine Landis, Esq.
Anne Pedrick
Andrea Schaeffer
Joseph Smack

I. Welcome

The Chair, Jennifer Barber Ranji, called the meeting to order and presided. For the benefit of guests, everyone introduced themselves.

II. Minutes

The minutes from the January 14, 2004 meeting were unanimously approved with three minor corrections.

III. Division of Family Services Update

Carlyse Giddins, Director of the Division of Family Services, provided an update with respect to the Division of Family Services. Ms. Giddins noted continued progress within DFS in a number of areas as well as national recognition for retention efforts. She acknowledged the effort of community partners in these improvements. Ms. Giddins stated that foster care reform efforts continued to be a priority. The Requests For Proposals (RFPs) issued for foster care late last year have been withdrawn. It has been determined that additional resources are needed for children in foster care and DFS is reassessing the needs. New RFPs will be released in the fall of this year. Ms. Giddins indicated that no new funds have been requested in the budget process. Ms. Giddins also reported that the new parent handbook has been prepared and released.

April is Child Abuse Prevention month. To promote this, DFS will be placing 25,000 pamphlets with blue ribbons in Happy Harry drug stores and state service centers. There will not be any billboards because of the cost. There will also be a public awareness campaign including a press release on child abuse prevention. DFS is preparing to conduct training of school personnel.

Ms. Giddins reported that DFS submitted its program improvement plan in response to Delaware's Child and Family Service Review on March 15, 2004. The plan noted improvement in several areas including the implementation of a revised safety model, improved timelines for adoptions and improved compliance with ASFA deadlines. Delaware tied with four other states for second place for overall scores. Delaware was the only state to pass with respect to adequate physical and mental health services. Delaware did not pass the criterion that requires 32% of adoptions to be finalized within 24 months following removal from the home.

Ms. Giddins provided a hiring update for DFS personnel. DFS is filling all front line positions. As of March 29, 2004, there was one caseworker vacancy and six trainee vacancies. There were also three Family Service Specialist vacancies, two of which have since been filled and will be starting this month. DFS is gradually filling key positions in an attempt to manage within their budget. In April, DFS plans to make requests to fill some administrative support positions.

Ms. Giddins reported that the CAPTA five-year plan required by the federal government has been drafted and submitted to stakeholders for review and comment. The plan will be submitted to the Governor by May 15, 2004 and submitted to the federal government by the end of June.

Ms. Giddins announced that the DFS has undertaken a review of the hotline intake process. In response to this review, DFS has begun to provide information to callers with respect to potential assistance or resources even if the report is not accepted for investigation. DFS is also working on a resource manual. The hotline workers will be receiving customer service training. In addition, DFS has obtained the technology to record hotline calls, which will further assist with training and accountability.

IV. Federal Child Abuse Prevention and Treatment Act – Citizen Review Panel

Ms. Giddins reported that in the course of preparing the five-year plan discussed above, the Child Abuse Prevention and Treatment Act (CAPTA) requirement of a citizen review panel arose. Under

CAPTA, this panel is to ensure that the child welfare system is effectively discharging its responsibilities. Ms. Giddins offered that upon review of CAPTA, it would appear that CPAC meets the citizen review panel requirement. Tania Culley agreed noting that the language in the CPAC statute largely mirrors the language in CAPTA and with some slight adjustments to the CPAC statute, the requirements would be met. There was some discussion of whether or not the Child Death Review Commission (CDRC) would meet the requirement of a citizen review panel, but it was felt that the confidential nature of the CDRC proceedings precluded that. It was noted, however, that the CDRC provides an invaluable link to CPAC in the course of the latter's duties based on the public recommendations that CDRC makes in its expedited reviews.

ACTION: Upon a motion duly made and seconded, it was unanimously decided that CPAC would accept designation as the citizen review panel under CAPTA

V. Old Business

A. Discussion of information to be shared with CPAC re: DFS Personnel and Caseloads

CPAC revisited the issue of data to be presented by DFS in advance of the quarterly meetings. Ms. Giddins presented CPAC with the revised format for the information. As requested, DFS offered statewide investigation and treatment vacancies, turnover rates and caseloads, broken down by region as well. Overall, CPAC expressed its satisfaction with the information presented, both with respect to content as well as format. Ms. Giddins noted in particular the low caseworker turnover rate of 6%. It was requested that the turnover charts include transfers between departments as well as more complete breakdowns via charts. In addition, it was requested that the Staffing Complement Charts include the percentage of workers over the SB 142 standard. CPAC also requested that DFS prepare a similar Staffing Complement chart for the overhires/trainees. Ms. Giddins stated that DFS is currently in the best shape with respect to staffing in recent memory with the caseload averages being the lowest since she assumed her position as Director.

ACTION: Upon a motion duly made and seconded, CPAC unanimously approved the format of the statistics presented by DFS to CPAC.

The packet of statistical information provided by DFS can be provided upon request and will be made available on the OCA website.

B. Root Cause Analyses re: Sharing of Lessons Learned with CPAC

Trish Hearn, Executive Assistant to the Secretary of the Children's Department, reported that further research was necessary before the Department could begin releasing information from Root Cause Analyses (RCA's). (See minutes from January 14, 2004 meeting for full discussion of Root Cause Analyses). The issue revolves around the Department's confidentiality of the process and issues raised in the RCA's. It was agreed that the Department be able to provide this information for the July meeting.

C. Replacement of ICOA Member.

Jennifer Barber Ranji reported that she sent a letter to the Interagency Committee on Adoption (ICOA) seeking a recommendation to forward to the Governor to replace departing CPAC member Mary Lou Edgar. ICOA made their recommendation and Ms. Ranji has forwarded that recommendation on to the Governor where it is currently under consideration.

D. Letter to JFC re: Family Court Judicial Positions

Ms. Ranji reported that she sent the letter requested from CPAC to the Joint Finance Committee supporting the Judiciary's budget request for two additional Family Court judge positions.

VI. Subcommittee Reports

A. Bylaws

M.C. Landis presented the revised CPAC bylaws. Some discussion ensued concerning a proposal to add a line to Section 4.2, which states, "The vote of a Commission member shall not be attributed to the particular agency he or she is representing on the Commission." There was a concern that a particular member's vote would then compromise the agency he or she is representing in the future. It was agreed that this issue would be tabled until the July meeting.

ACTION: Upon a motion duly made and seconded, the bylaws were approved as amended, except for the last sentence of Section 4.2. Randy Wimberley abstained.

B. Near Death

Tania Culley reported that this subcommittee met several times and as a result of its efforts, legislation has been drafted to implement a review of child near death cases where the near death is the result of child abuse or neglect. This subcommittee felt that the most logical choice for the agency to be charged with these reviews was the Child Death Review Commission (CDRC). The CDRC held an emergency meeting and supported the proposed legislation contingent upon a fiscal note to fund three positions to staff the CDRC and to place those positions within the Administrative Office of the Courts. It was noted that the current CDRC statute authorizes three panels to review child deaths, two of which are currently used. This new legislation would activate the third panel for the purpose of reviewing child deaths and near deaths, which occurred through abuse or neglect. There was some concern that one panel would not be enough to review all of the cases; however, there is good cause language in the legislation that would permit the other panels to hear the cases if the third panel is overwhelmed. Furthermore, there is language that allows the three-month deadline for these reviews to be extended to six months. The proposed legislation also calls for an annual meeting between the CDRC and CPAC.

ACTION: Upon a motion duly made and seconded, CPAC voted to champion this proposed legislation with respect to child near deaths contingent upon the funding for three support positions for the CDRC and on the placement of these positions within the Administrative Office of the Courts. Randy Wimberley and Linda Wolfe abstained.

C. SB 142

The Honorable Patricia Blevins discussed the progress of the subcommittee charged with reviewing the law pertaining to social worker caseload averages. The subcommittee drafted legislation that changes the statistical reviews of caseloads from full time equivalents (FTEs) to fully functioning caseworkers. The legislation also codifies the investigation fully functioning caseload standard at 14 and the treatment caseload of 18. The legislation also addresses the training positions, requiring no less than 15 at all times. It was noted that the specific numbers contained within the proposed legislation might have to be revisited in the future as the population changes. One member felt the treatment number was too high. As noted at the last CPAC meeting, DFS did a workload study of how caseworkers spend their time. It was found that time spent waiting in the hospital or Family Court was surprisingly low compared with the complaints made. It was also found that entering data into the FACTS computer system took a great deal of time. The subcommittee agreed that the use of FACTS is an area that warrants further review.

ACTION: Upon a motion duly made and seconded, CPAC voted to champion this legislation. Randy Wimberley and Linda Wolfe abstained.

D. Legislation

Chief Judge Chandlee Kuhn will be scheduling a legislative meeting shortly. Notice will go out to all CPAC members.

E. Foster Care

Janice Mink reported that this subcommittee met in February. She reported that Child Mental Health has been providing increased training to foster parents. CMH is providing four in service trainings per year. The Children's Department is looking to launch a new program called Positive Behavior Intervention: In-Home Mental Health Service for Foster Care. The goal is to provide services to 56 children in the first year directly in the home in partnership with the foster families. Another initiative, the Delaware Federation for Families for Children's Mental Health has been launched which aims to provide support and advocacy for families with children who have mental health needs. Considerable discussion ensued concerning child victims of crimes. The Honorable M. Jane Brady reported that there is a lack of mental health services to child victims. Attorney General Brady will be meeting with the Violent Crimes Compensation Board in an effort to increase funding for mental health services to young victims. The next Foster Care subcommittee meeting will be April 28, 2004.

F. Training

Anne Pedrick reported that this subcommittee continues to defer to the training consortium of the Abuse Intervention Committee. That group is planning a conference for June 1, 2004 surrounding the issue of children and violence. Of note, Dr. Jim Garbarino will be speaking at the training in the afternoon. The conference will have room for 200 attendees.

G. Community Notification

This subcommittee has met on one occasion. The members are in the process of getting up to speed on the issues and deciding upon which to focus.

H. Best Interests

This subcommittee met on March 12, 2004 and will be meeting again on May 14, 2004 at 1:00. The group is in the process of bringing the issues into focus and is currently deciding how to codify the improvements they have discussed.

VII. Office of the Child Advocate Update

Tania Culley reported that the Office of the Child Advocate Annual Report for Fiscal Year 2003 was recently released. The Report focuses on statistics that show both the increase in referrals and appointments as well as the increase in attorneys volunteering *pro bono* for the Office. Ms. Culley also shared current statistics regarding the volume of cases. As of March 31, 2004, the Office had active cases concerning 436 children. So far for fiscal year 2004, the Office has 252 new appointments, of which, 187 are DFS cases, and 217 *pro bono* attorneys, of which 185 are in New Castle County. The general trend reveals a 60% increase in the number of appointments.

Ms. Culley also reported that the Office had recently completed a mass mailing to the entire Delaware Bar in an effort to increase the number of *pro bono* volunteers. In addition, the Office has undertaken advanced training to existing volunteers on topics such as mental health services for children and permanency for children. The Office recently obtained the services of a volunteer attorney, Amy Quinlan, to act as a *Pro Bono* Coordinator ten hours per week.

The Office of the Child Advocate is spending a great deal of time on legislation this Session. Ms. Culley stated that she is pursuing legislation regarding civil child witness protections, de facto custody/guardianship laws, standby guardianship, extending Family Court jurisdiction to youth who have turned 18 but are still involved with DFS and sibling visitation.

VIII. Other Agency Reports

A. Child Mental Health

Randy Wimberley reported that as of January 4, 2004, new rules and procedures were in place for reviewing residential treatment centers in Delaware. Silver Lake RTC underwent one of the new reviews and did well. Dr. Wimberley reported a decrease in hospital readmission rates from 15% a few years back to 11% currently. He noted the increased flexibility in the use of crisis beds as a factor. CPAC discussed the desire for more statistics from CMH. Dr. Wimberley stated he would pass this request on to the Director.

B. Family Court

Lynn Shreve reported that the CASA program has recently passed its national accreditation. CASA is currently representing 404 children statewide.

It was also reported that there has been a change in the New Castle County at-risk unit in Family Court. The Chief Judge will be hearing felony criminal matters. Commissioner Mayo will be hearing non-DFS 10-day emergency hearings. All judges will be hearing the non-DFS adjudicatory matters. Two additional judicial positions requested in the budget process continue to be a priority for the Court.

C. Children's Advocacy Center

John Humphrey reported that for the first quarter of this year, Sussex County has had the highest volume of cases. This is the first time this has happened. For the first quarter, the CAC conducted 240 forensic interviews, 40 medical evaluations and 21 interviews and medical evaluations. The offices in New Castle County and Sussex County have received accreditation by the National Children's Alliance. The Kent location is up and running, but the location has been problematic. Mr. Humphrey is looking for a new location. Kent has hired a new forensic interviewer who is working out very well. He is also looking to hire a nurse practitioner. Of note, the contract with AI Dupont Hospital, which provides the services of Dr. DeJong is being reviewed, and will likely increase in cost. Mr. Humphrey agreed to keep CPAC and the individual participants apprised of this contract issue. The CAC also continues to struggle with mental health assessments of child crime victims and continues to work with the Attorney General's Office and VCCB to resolve the matter.

D. Department of Justice

CPAC renewed its request for statistics related to the caseloads of the four attorneys representing DFS.

The Department of Justice has applied for a grant for the Kids Court Project. This program would ensure that child victims are getting connected to the services they need. The Criminal Justice Council approved the FTE for a social worker and the pilot is expected to begin in Kent County.

IX. Other Business

Mary Ball Morton of the Children's Department announced a new initiative of the Department to train over 1000 people on the "system of care." There will no longer be formal multi-disciplinary teams, although some still exist informally. When more than one Division is involved, DFS will be the primary case manager when it is involved. The training will include non-Department partners.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 11:45 a.m.